

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FRANK NOLET,)	
)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	15-11499-FDS
)	
DR. CATHERINA ARMSTRONG, et al.,)	
)	
Defendants.)	
)	

**ORDER GRANTING MOTION TO DISMISS
AS TO DEFENDANT DONNA ROY, M.D.**

SAYLOR, J.

On December 7, 2017, the Court referred this case to the Suffolk Superior Court for the purpose of convening a medical malpractice tribunal pursuant to Mass. Gen. Laws ch. 231, § 60B. The tribunal was convened on May 16, 2018, and was attended by the *pro se* plaintiff and counsel for all defendants. The tribunal issued a decision on June 14, 2018, finding that plaintiff failed to present “sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry” as to all named defendants. (Def. Ex. 2 at 6-7). Because the tribunal found for defendants, plaintiff could “pursue the claim through the usual judicial process only upon filing bond in the amount of six thousand dollars.” Mass. Gen. Laws ch. 231 § 60B. “If said bond is not posted within thirty days of the tribunal’s finding the action shall be dismissed.”

Defendant Donna Roy, M.D. has since moved to dismiss the complaint for failure to post the requisite \$6,000 bond. Because more than thirty days have passed since the tribunal issued its decision and no bond has been posted, the motion to dismiss is GRANTED.

So Ordered.

Dated: October 18, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor, IV
United States District Judge